

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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<b>GIZMODO MEDIA GROUP, LLC</b>	:	
<i>Plaintiff,</i>	:	
- v. -	:	
<b>FEDERAL BUREAU OF INVESTIGATION,</b>	:	
<i>Defendant.</i>	:	

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**COMPLAINT**

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), to order the production of Federal Bureau of Investigation (“FBI”) records concerning Roger Ailes (“Ailes”), the founder and former CEO of Fox News. Defendant FBI has withheld these records despite a properly filed FOIA request.

**PARTIES**

2. Plaintiff Gizmodo Media Group, LLC (“Gizmodo”) is the publisher of Gizmodo.com, an online news outlet read by millions.
3. The FBI, a component of the Department of Justice (“DOJ”), is an agency of the United States with possession and control of the records sought by Plaintiff.

**JURISDICTION AND VENUE**

4. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).

5. Gizmodo's principal place of business is in the Southern District of New York and therefore venue is appropriate under 5 U.S.C. § 552(a)(4)(B).

## **FACTS**

### **Background of Request**

6. Roger Eugene Ailes was the founder and former CEO of Fox News.
7. Ailes was a media consultant for several presidents, and is widely considered to be one of the most influential political figures of his era.
8. After two decades running Fox News, Ailes resigned in July 2016 amidst pervasive allegations of sexual harassment. During his tenure with the network, Fox News reportedly paid tens of millions of dollars in legal settlements.
9. Ailes died on May 18, 2017 in Palm Beach, Florida.

### **FOIA Request and Constructive Denial**

10. On May 18, 2017, reporter Dell Cameron, on behalf of Gizmodo, submitted a FOIA request to the FBI for all documents relating to Ailes (the "Request"). (Exhibit A)
11. Gizmodo's request was acknowledged by the FBI and assigned tracking number 1375045-000.
12. The FBI has failed to provide - or formally deny - documents within twenty working days, and therefore has constructively denied the request under 5 U.S. Code § 552(a)(6)(A)(ii).

## **CAUSE OF ACTION**

### **Violation of the Freedom of Information Act for Wrongful Withholding of Agency Records**

13. Plaintiff repeats and realleges paragraphs 1-12.
14. Defendant FBI has wrongfully withheld agency records requested by Plaintiff.
15. Plaintiff has exhausted all administrative remedies.

**REQUESTED RELIEF**

WHEREFORE, Plaintiff requests this Court:

- (A) Order defendant to provide access to the requested documents in their entirety;
- (B) Expedite this proceeding as provided for in 28 U.S.C. § 1657;
- (C) Award Plaintiff costs and reasonable attorney fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (D) Grant such other and further relief as may deem just and proper.

Dated: August 1, 2017

By:  \_\_\_\_\_

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